

2001 Legislative Update on Juvenile Justice Issues

As Monitored by the Iowa Attorney General's Office, Juvenile Law Section

As of June 1, 2001
End of the Regular Session

June 19: Special Session.

BILL #	SUBJECT	STATUS	COMMENTS
HCR 24	CENTRALIZED CHILD ABUSE REPORTING. Requests the Legislative Council create a Study Committee to examine creation of a statewide central intake unit by the DHS for receiving child abuse reports.	Passed the House. Died on the Senate Unfinished Business Calendar at the end of the session.	Dead, but an Interim Study Committee can still be requested.
HF 178	CHILDREN EXPOSED TO THE MANUFACTURE OF METHAMPHETAMINES. (AG) Adds children exposed to the manufacture of methamphetamines or other dangerous substances to the definitions of child abuse and Child in Need of Assistance. Defines dangerous substance as chemicals used in the manufacture of an illegal or controlled substance that present a risk of explosion, fire or other danger to the life or health of persons in the vicinity.	Passed the House, 96-1. Passed the Senate, 49-0. Signed by the Governor, 4/18.	Signed into law.
HF 327	CHILD PORNOGRAPHY & SOLICITATION OF MINORS. (AG) Prohibits the creation of child pornography with a computer by combining the picture of a child with pornographic images. Increases penalties for child pornography and solicitation of a minor.	Passed the House, 97-0. Passed the Senate, 49-0. Signed by the Governor, 3/28.	Signed into law.
HF 458	INCEST STATUTE OF LIMITATIONS. (Hatch) Extends the statute of limitations for Incest from 3 to 10 years. Amended to also include 10 years from the victim's 18 th birthday.	Passed the House, 97-0. Passed the Senate, as amended, 48-0. The House concurred, 97-0. Signed by the Governor, 4/23.	Signed into law.

HF 560	FOSTER CARE REQUIREMENTS. (Heaton & Hoversten) Directs DHS to adopt rules 1) allowing foster parents to access medical information about their foster children from the child's parent or other sources and 2) making emergency health coverage available to foster children who travel out of state with their foster families.	Passed the House, 96-0. Passed the Senate, as amended, 46-0. The House concurred, 95-0. Signed by the Governor, 5/2.	Signed into law.
HF 567	LEGAL RISK ADOPTIONS/ STANDBY ADOPTIONS. Allows prospective adoptive parents to take placement of a child from another state before the child's parental rights have been terminated if the adoptive parent signs a document assuming all risk. Allows terminally ill parent to consent to adoption after his or her death.	Passed the House, 95-3. Passed the Senate, as amended, 46-0. The House concurred, 92-7. Signed by the Governor, 4/20.	Signed into law.
HF 598	CHILD PROTECTION CENTERS. (Foege, et. al.) Creates a grant program within the DPH for funding Child Protection Centers. Requires that Centers have interagency cooperation agreements with DHS, law enforcement, the County Attorney and other government agencies involved with child abuse assessments or service provision.	Passed the House, 96-1. Passed the Senate, as amended, 48-0. The House concurred, 93-0. Signed by the Governor, 5/31.	Signed into law.
HF 662	EMPOWERMENT. (Houser) Sets the formula for Empowerment funding. Requests the Legislative Council convene a summit to consider: 1) how other prevention programs can coordinate more closely with Empowerment, 2) how funding can be equalized and 3) what additional age groups and result areas can be incorporated into Empowerment. Provisions of the original bill which would have killed Prevent Child Abuse Iowa and adolescent pregnancy prevention programs were amended out in the House.	Passed the House, 91-0. Passed the Senate, 40-0. Signed by the Governor, 5/2.	Signed into law. Summer summit on expanding the scope of Empowerment.
HF 680	CHILD ABUSE REPORTER TRAINING. Contains provisions concerning training for mandatory reporters of child and dependent adult abuse. Requires licensing boards to ensure that professionals they license have received training. Prohibits employers from applying policies or work rules that interfere with the reporting of abuse. Creates civil liability for interfering with reporting. Makes paraeducators, coaches, all social workers, and prevention program staff mandatory reporters. Requires DHS to notify the County Attorney of repeated abuse reports that are entirely false or without merit.	Passed the House, 97-0. Passed the Senate, as amended, 48-0. The House concurred, 90-0. Signed by the Governor, 5/7.	Signed into law.

HF 726	<p>HEALTH & HUMAN RIGHTS APPROPRIATION. Appropriates \$84 million from the General Fund. Governor's Alliance on Substance Abuse: DARE program - \$0. Department of Human Rights: Criminal and Juvenile Justice Planning - \$412,000; Juvenile Crime Prevention Community Grant Program - \$525,000.</p>	<p>Passed the House, 51-42. Passed the Senate, as amended, 28-20. The House concurred, 57-39. Signed by the Governor, 5/24.</p>	<p>Signed into law. The Juvenile Crime Prevention Program was cut from \$1.6 million to \$425,000. Another \$100,000 was later added. Funds distributed through DECAT were cut throughout the budget.</p>
HF 732	<p>HUMAN SERVICES APPROPRIATION. Appropriates \$778.25 million from the General Fund and \$142.2 from TANF to the Department of Human Services. This includes \$62 million for field operations and \$17.5 million for general operations. The bill includes increases of \$250,000 for Child Abuse Prevention grants, \$200,000 for HOPES program grants, and \$200,000 in Medical Assistance funds for Child Protection Centers. The bill also includes the following changes in Children and Family Services from FY 2001 funding: \$45,000 increase for child abuse training; \$65,470 decrease for PMICs and a prohibition against placing PMICs under managed care; \$2.5 million decrease from independent living, family preservation and family foster care; \$1.1 million decrease for delinquency programs; and \$1.2 million decrease to eliminate wraparound services. Governor's vetoes: Provisions eliminating of DHS regional offices; \$500,000 for Iowa Marriage Initiative grants; a requirement that DHS seek input from legislators before entering into a managed care contract for mental health and substance abuse services; a requirement for a plan to move the boys out of the Toledo Juvenile Home; \$87,500 for a parking lot and 2 security guards at Toledo; \$62,500 for 2 security guards at Independence; designation of \$700,000 for girls' day treatment; Adult MH/MR/DD decategorization; language expressing an intent to expand the community partnership model for child protection and a study comparing salaries of social workers working for the state and those working for private providers.</p>	<p>Passed the House, 55-42. Passed the Senate, as amended, 28-19. The House concurred, amended and passed it, 55-41. The Senate concurred, 30-20. Item vetoed and signed by the Governor, 5/31.</p>	<p>There is an additional \$2 million for DHS general administration in HF 755, the Standing Appropriations bill. The total DHS FY 2002 appropriation is \$7.5 million less than FY 2001 spending. This remains a contentious issue between the Governor and the Legislature.</p>

SF 63	CHILD ENDANGERMENT. Includes all the persons in a child's household, temporary caretakers and those driving with children in a vehicle in the definition of the people who can be found guilty of committing child endangerment. Creates a new Class "D" felony for commission of a bodily injury to a child.	Passed the Senate, 50-0. Passed the House, 93-0. Signed by the Governor, 2/16.	Signed into law. The Jesse Wendelsdorf bill.
SF 267	DEAPPROPRIATIONS. Deappropriates \$8 million for FY 01. The bill that passed the legislature deappropriated \$25.7 million. The Governor vetoed a 1% across the board deappropriation and a \$422,000 deappropriation from the Judicial Retirement Fund.	Passed the Senate, 30-20. Passed the House, 56-43. Item vetoed and signed by the Governor, 3/13.	Item vetoed and signed into law.
SF 355	SAFE HAVENS. Allows a parent to voluntarily surrender the custody of a child who is fourteen days old or younger at a hospital or other health care facility. Gives the parent immunity from prosecution for abandonment. Requires a Termination hearing to be held within 30 days of the child's abandonment.	Passed the Senate, 49-0. Passed the House, as amended, 96-1. The Senate concurred, 49-0. Signed by the Governor, 4/24.	Signed into law.
SF 392	CHILD CUSTODY APPEALS. Requires that an appeal from a juvenile court that affects the custody of a child be heard at the earliest practical time.	Passed Senate, 49-0. Passed the House, 88-0. Signed by the Governor, 5/7.	Signed into law.
SF 458	JUVENILE SERVICES AND ASFA COMPLIANCE. Brings Iowa into compliance with the federal Adoptions and Safe Families Act. Applies ASFA requirements to delinquency cases. Requires a finding that placement outside the child's home is contrary to the child's best interests and that reasonable efforts have been made to prevent placement. Provides that a parent's failure or refusal to obtain requested evaluation of the child or to undergo medically relevant tests is evidence of imminent risk. Shortens the time frame for filing a Termination of Parental Rights petition. Forbids placement of PMICs under managed care.	Passed the Senate, 49-0. Passed the House, as amended, 97-0. Passed the Senate, as amended again, 47-0. The House concurred, 91-0. Signed by the Governor.	Signed into law.
SF 527	JUDICIAL BRANCH APPROPRIATIONS. Appropriates \$117.0 million from the General Fund for the Judicial Branch. Salaries & Court Operations: \$113.8 million; Retirement Fund: \$3.2 million; Juvenile Victim Restitution Program: \$0.	Passed the Senate, 47-0. Passed the House, 86-6. Signed by the Governor, 5/24.	Signed into law. An amendment by Senator Dvorsky in committee to restore the Restitution program failed, 17-28.

SF 530	JUSTICE SYSTEMS APPROPRIATIONS. Appropriates \$358.4 million to the Depts. of Justice, Public Safety, Public Defense and Corrections, the Iowa Law Enforcement Academy, the Public Defender and Parole Board. Includes \$13.4 million to the Department of Justice, a reduction of \$887,000 from FY 2001.	Passed the Senate, 29-20. Passed the House, 56-41. Signed by the Governor.	Signed into law.
SF 537	TOBACCO SETTLEMENT APPROPRIATIONS. Makes \$57.2 million in appropriations from the tobacco settlement endowment fund. To the Department of Human Services : \$32.6 million to support provider rate increases adopted in 2001, including 3.2 million for RTSS providers; \$200,000 for children's medical insurance; \$4 million for medical assistance; and \$250,000 for breast and cervical cancer treatment. To the Department of Public Health : \$9.3 million for tobacco use prevention and control; \$11.9 million for substance abuse treatment; and \$2.6 million for the Healthy Iowans 2010 Initiative. To the Department of Corrections : \$610,000 for day programming and drug courts. From the Savings Account for Healthy Iowans : \$1.2 million for Empowerment and \$2 million for a substance abuse treatment facility for persons on probation. Changes the name of the Tobacco Settlement Endowment Fund to the Healthy Iowans Tobacco Trust.	Passed the Senate, 48-0. Passed by the House, as amended, 93-0. The Senate concurred, amended and passed it, 45-0. The House concurred, 94-0. Signed by the Governor, 5/29.	Signed into law. Maintains the provider rate increases that were given last year.
SF 540	REDISTRICTING I. Establishes the first redistricting plan for 2001.	Failed to Pass the Senate, 21-27, 5/2.	Dead.
LSB 3733	REDISTRICTING II. Establishes the second redistricting plan for 2001.	Submitted by the Legislative Service Bureau, 6/1.	Will be considered in the special legislative session on 6/19.

Information about activities of the Iowa General Assembly can be found at www.legis.state.ia.us